

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

ANTHONY K. BROWN,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 2:24-cv-712

ORDER

Plaintiff Anthony K. Brown, an individual who is incarcerated in a Virginia jail, submitted this *pro se* action to redress alleged violations of his rights. ECF No. 1.

I. Motion for Leave to Proceed *In Forma Pauperis*

As an initial matter, the plaintiff has not submitted either (i) the \$350.00 statutory filing fee and \$55.00 administrative fee; or (ii) an *in forma pauperis* application. The Court cannot process the plaintiff's Complaint until he pays the statutory filing fee and administrative fee or submits an *in forma pauperis* application. *See* 28 U.S.C. §§ 1914(a), 1915(a)(1). Accordingly, if the plaintiff wishes his submission to be considered by the Court, he is **ORDERED** to either (i) remit the \$350.00 filing fee and \$55.00 administrative fee (\$405.00 total); or (ii) complete and submit an *in forma pauperis* application by Thursday, January 30, 2025.

II. Consent to Collection of Fees Form

Additionally, to the extent that the plaintiff wishes to proceed *in forma pauperis*, he is ADVISED that, under 28 U.S.C. § 1915(b)(1), a prisoner bringing a

civil action who applies to proceed *in forma pauperis* must pay the \$350.00 statutory filing fee in full. 28 U.S.C. § 1915(b)(1); *see id.* § 1914(a) (requiring payment of a full filing fee for all actions except petitions for writs of habeas corpus). If the plaintiff is allowed to proceed *in forma pauperis*, he may pay the \$350.00 filing fee in installments, and he will not be required to pay the \$55.00 administrative fee. An initial partial filing fee will be assessed equal to 20 percent of the greater of (i) the average monthly deposits to the plaintiff's inmate account; or (ii) the average monthly balance in the plaintiff's inmate account for the six-month period immediately preceding the filing of this Complaint. Thereafter, the plaintiff is required to make monthly payments of 20 percent of the preceding month's income. After the initial partial filing fee is paid, payments will be deducted automatically from the plaintiff's inmate account and forwarded, by the institution at which the plaintiff is incarcerated, to the Clerk in accordance with § 1915(b)(2). Payments will continue to be deducted even after the action has been resolved. If the plaintiff does not wish to make installment payments, he may pay the entire \$350.00 filing fee and the \$55.00 administrative fee in one lump sum of \$405.00.

Accordingly, if the plaintiff wishes to proceed *in forma pauperis*, he is **ORDERED** to either sign the enclosed Consent to Collection of Fees form and RETURN IT TO THE COURT or submit the full \$350.00 statutory filing fee, plus the \$55.00 administrative fee (\$405.00 total), by Thursday, January 30, 2025.

III. Procedural Information

The plaintiff is ADVISED that the Court will not act upon any other motion, pleading, or request until any assessed initial partial filing fee has been paid. *See* 28 U.S.C. § 1914(c) (stating that courts may require advance payment of mandatory filing fees). Any document submitted in violation of this provision will not be considered. If the plaintiff wishes the Court to act on any such document, it must be resubmitted in its entirety after the plaintiff has paid any required initial partial filing fee.

Further, the plaintiff is DIRECTED to comply with the procedural requirements outlined in the enclosed document titled, “Selected Procedural Information for Prisoners Who Have Filed a Civil Rights Complaint.” The plaintiff is ADVISED that failure to comply with these requirements may result in the dismissal of this action. The plaintiff should maintain a copy of “Selected Procedural Information for Prisoners Who Have Filed a Civil Rights Complaint” for reference throughout the course of this litigation.

IV. Conclusion

In summary, if the plaintiff wishes this action to be considered by the Court, he is ORDERED to either (i) remit the \$350.00 statutory filing fee and \$55.00 administrative fee (\$405.00 total); or (ii) complete and submit both the enclosed *in forma pauperis* application and the enclosed Consent to Collection of Fees form by Thursday, January 30, 2025.

The plaintiff is ADVISED that if he fails to comply with the terms of this Order, the Court will dismiss this action without prejudice. *See Fed. R. Civ. P. 41(b).* The plaintiff is further ADVISED that if he does not wish to continue with this action, he may move to voluntarily dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1).

The Clerk is **DIRECTED** to please send a copy of this Order, a copy of the Court's *in forma pauperis* application, a copy of the Consent to Collection of Fees form, and a copy of the document titled, "Selected Procedural Information for Prisoners Who Have Filed a Civil Rights Complaint," to the plaintiff.

IT IS SO ORDERED.



/s/
Jamar K. Walker
United States District Judge

Norfolk, Virginia
December 31, 2024